

Report Date: October 27, 2008

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 27 2008

JAMES H. LARSEN, CLERK
YAKIMA, WASHINGTON DEPUTY

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Benjamin Amos Michael Briggs Case Number: 2:04CR02094-001

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko

Date of Original Sentence: 1/27/2005

Type of Supervision: Supervised Release

Original Offense: Possession of a Firearm by
Prohibited Person, 18 U.S.C. § 922 (g) (1)

Date Supervision Commenced: 6/2/2006

Original Sentence: Prison - 27 Months; TSR - 36
Months

Date Supervision Expires: 6/1/2009

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 20 You shall participate in the home confinement program for 60 days. You shall abide by all the requirements of the program, which will not include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay. You are restricted to your residence every day from 9 p.m. to 5 a.m., as directed by the supervising probation officer.
- 21 You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

CAUSE

On August 22, 2008, the offender was arrested by the Washington State Patrol for the offense of driving under the influence, after he was observed by an officer driving his vehicle in a reckless manner. The offender subsequently pled guilty to a reduced charge of first degree negligent driving in Yakima County District Court case number 733114 on October 6, 2008. The offender was ordered to serve 1 day in custody and placed under 2 years probation, with a condition to participate in alcohol treatment.

According to the Washington State Patrol report, on August 22, 2008, the offender was observed driving a vehicle in the early morning hours at a high rate of speed in the city of Yakima. The offender lost control of his vehicle while approaching an intersection, spinning the vehicle 180 degrees. A traffic stop was initiated and the offender subsequently submitted to breath samples, which indicated a blood alcohol level of between .089% and .095%.

The offender is in violation of his Federal supervised release conditions, by committing a new criminal offense and consuming alcohol. The offender did report his new offense in a timely manner to the probation officer.

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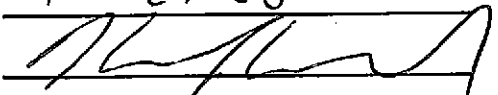
The offender was originally sentenced to a 27-month term of confinement, with 36 months of supervised release to follow. The offender released from custody on June 2, 2006. Up until the new offense indicated above, the offender was doing fairly well on supervision. He has been employed on a full time basis as a roofer for Dan Leslie roofing for over 2 years. The offender has struggled somewhat in his personal life with relationship issues and has changed residences several times. The offender's new criminal conduct appears to be a serious error in judgment, but not reflective of an ongoing pattern of alcohol abuse. The probation officer believes that a 60-day home confinement curfew, coupled with a prohibition for going into bars or taverns, is sufficient consequence for his violation behavior. The offender has been warned that any further violations would result in a return before the Court for revocation proceedings. The offender has 7 months left on supervision, and the probation officer believes the offender can successfully complete his Federal supervision term. The offender has agreed to the requested modifications. A signed waiver is enclosed for the Court's review.

It is respectfully requested the Court take judicial notice of the offender's violation behavior and approve the requested modification as indicated.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

10-27-08


Kevin Crawford
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other


Signature of Judicial Officer10/27/08
Date